

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

No. 1439

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**Introduced by Assembly Member Alejo**  
*(Coauthors: Assembly Members Allen, Ammiano, Roger Hernández,  
Solorio, and Williams)*  
*(Coauthor: Senator Evans)*

January 4, 2012

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An act to amend Section ~~7153~~ *1182.12* of the Labor Code, relating to ~~occupational safety~~ *employment*.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1439, as amended, Alejo. ~~Occupational—safety: scaffolding~~ *Minimum wage: annual adjustment.*

*Existing law requires that, on and after January 1, 2008, the minimum wage for all industries be not less than \$8.00 per hour.*

*This bill would provide for an adjustment to the hourly minimum wage on January 1, 2013, and annually thereafter, to maintain employee purchasing power. The automatically adjusted minimum wage would be calculated using the California Consumer Price Index, as specified. The bill would prohibit the Industrial Welfare Commission from adjusting the minimum wage downward and from adjusting the minimum wage upward if the average percentage of inflation for the previous year, as defined, was negative. The bill would require the Industrial Welfare Commission to publicize the automatically adjusted minimum wage.*

*This bill would provide that the commission may increase the minimum wage in an amount greater than the formula would provide.*

~~Existing law places certain requirements on an employer when scaffolding is used in connection with work upon any building or structure. Existing law prohibits platforms or floors of the scaffolding from being less than 14 inches in width and requires them to be free from knots or fractures impairing their strength.~~

~~This bill would make a nonsubstantive change to the above provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 1182.12 of the Labor Code is amended*  
2     *to read:*

3     1182.12. (a) Notwithstanding any other provision of this part,  
4     on and after January 1, 2007, the minimum wage for all industries  
5     shall be not less than seven dollars and fifty cents (\$7.50) per hour,  
6     and on and after January 1, 2008, the minimum wage for all  
7     industries shall be not less than eight dollars (\$8.00) per hour.

8     (b) (1) *Except as provided in paragraph (3), the minimum wage*  
9     *shall be automatically adjusted on January 1 of each year,*  
10    *commencing on January 1, 2013, to maintain employee purchasing*  
11    *power diminished by the rate of inflation that occurred during the*  
12    *previous year.*

13    (2) *The minimum wage adjustment shall be made by multiplying*  
14    *the minimum wage in effect on August 31 of the previous year by*  
15    *the percentage of inflation that occurred during that year; and by*  
16    *adding the product to the minimum wage in effect during that year.*  
17    *The resulting total shall be rounded off to the nearest five cents*  
18    *(\$0.05). The Industrial Welfare Commission shall publicize the*  
19    *automatically adjusted minimum wage.*

20    (3) *The Industrial Welfare Commission shall not adjust the*  
21    *minimum wage pursuant to this subdivision if the average*  
22    *percentage of inflation for the previous year was negative.*

23    (4) *For purposes of this subdivision, the following terms have*  
24    *the following meanings:*

25    (A) *“Percentage of inflation” means the percentage of inflation*  
26    *specified in the California Consumer Price Index for All Urban*  
27    *Consumers, as published by the Department of Industrial Relations,*  
28    *Division of Labor Statistics and Research, or its successor index.*

1 (B) “Previous year” means the 12-month period that ends on  
2 August 31 of the calendar year prior to the adjustment.

3 (c) The Industrial Welfare Commission shall not reduce the  
4 minimum wage prescribed by this section.

5 (d) Except as provided by paragraph (3) of subdivision (b), the  
6 Industrial Welfare Commission may increase the minimum wage  
7 in an amount greater than the rate calculated pursuant to  
8 subdivision (b).

9 ~~SECTION 1. Section 7153 of the Labor Code is amended to~~  
10 ~~read:~~

11 ~~7153. Platforms or floors of the scaffolding shall be not less~~  
12 ~~than 14 inches in width and shall be free from knots or fractures~~  
13 ~~impairing their strength.~~